

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BERNADEAN RITTMAN, FREDDIE  
CARROLL, and JULIA WEHMEYER,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

AMAZON.COM, INC. and AMAZON  
LOGISTICS, INC.,

Defendants.

NO. 2:16-cv-01554-JCC

**DECLARATION OF STEVEN M.  
TINDALL IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO  
CONSOLIDATE ACTION**

Pursuant to 28 U.S.C. § 1746, I, Steven M. Tindall, hereby declare as follows:

1. I am an attorney with the law firm of Gibbs Law Group LLP, one of the two firms representing Plaintiff Sean Hoyt, Jr. in *Hoyt v. Amazon.com, Inc., et al.*, No. 2:19-cv-00498-JCC (W.D. Wash.), the case Defendants seek to consolidate with this matter. I am over the age of 18, and I am competent to attest to the facts set forth herein. I make this declaration based on my personal knowledge and, if sworn as a witness, I could and would testify competently to the facts contained herein.

2. In the Declaration of Linda Shen, *Hoyt* Docket Number 49, counsel for Defendants in this matter attach an email exchange between defense counsel and me regarding Plaintiff Hoyt's PAGA claim. In my emails to defense counsel, I make clear that Plaintiff is seeking PAGA penalties related to unpaid wages under Labor Code § 558. Nowhere in the attached emails or in Mr. Hoyt's complaint do I state that Plaintiff is seeking "victim-specific relief" or "victim-specific" unpaid wages to be paid primarily to employees. Plaintiff Hoyt seeks *only* a single PAGA penalty based on a violation of Labor Code § 558 that will be divided the way all PAGA penalties are—with 75% of the penalty going to California's Labor and Workforce Development Association (LWDA) and 25% going to the affected employees. Defense counsel's statements to the contrary are simply mistaken.

3. On February 28, 2019, Defendants' counsel Linda Shen emailed me a copy of the "Amazon Flex Independent Contractor Terms of Service" ("TOS"). On June 3, 2019, I visited the Amazon Flex website at: <https://flex.amazon.com/site-terms>, which indicated that the "Site Terms" were last updated on January 16, 2018. Both the TOS sent to me by Ms. Shen on February 28, 2019, and the current site terms listed on Amazon's website confirm that Defendants continue to require California Flex drivers to agree to unlawful contract provisions, as alleged by Plaintiff Hoyt.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 3<sup>rd</sup> day of June, 2019 in Oakland, California.

/s/ Steven M. Tindall

Steven M. Tindall, *Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I, Jennifer Rust Murray, hereby certify that on June 3, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Suzanne J. Thomas, WSBA #17338  
K&L Gates LLP  
925 Fourth Ave., Suite 2900  
Seattle, WA 98104  
Telephone: 206-370-6642  
Suzanne.thomas@klgates.com

Richard G. Rosenblatt (pro hac vice)  
James P. Walsh, Jr. (pro hac vice)  
MORGAN LEWIS & BOCKIUS LLP  
502 Carnegie Center  
Princeton, NJ 08540  
Telephone: 609-916-6600  
Richard.rosenblatt@morganlewis.com  
James.walsh@morganlewis.com

Linda Z. Shen (pro hac vice)  
MORGAN LEWIS & BOCKIUS LLP  
2049 Century Park East, Suite 700  
Los Angeles, CA 90067  
Telephone: 310-907-1000  
Linda.shen@morganlewis.com

Amy A. McGeever (pro hac vice)  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: 415-442-1000  
Amy.mcgeeve@morganlewis.com

Attorneys for Defendants  
Amazon.com, Inc. and  
Amazon Logistics, Inc.

1 DATED this 3rd day of June, 2019.

2 TERRELL MARSHALL LAW GROUP PLLC

3 By: /s/ Jennifer Rust Murray, WSBA #36983

4 Jennifer Rust Murray, WSBA #36983

5 Email: [jmurray@terrellmarshall.com](mailto:jmurray@terrellmarshall.com)

6 936 North 34th Street, Suite 300

7 Seattle, Washington 98103

8 Telephone: (206) 816-6603

9 Facsimile: (206) 319-5450

10 *Attorneys for Plaintiff Sean M. Hoyt, Jr.*